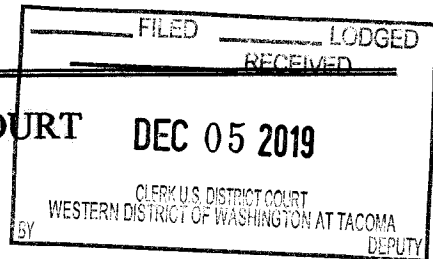


AO 106 (Rev. 04/10) Application for a Search Warrant (Modified: WAWD 10-26-18)

UNITED STATES DISTRICT COURT

for the
Western District of Washington

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)

Subject Phone, more fully described in Attachment A

Case No. MJ19-5255

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Subject Phone, more fully described in Attachment A, incorporated herein by reference.

located in the Western District of Washington, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

21 U.S.C. § 841(a)(1) Distribution and possession with intent to distribute a controlled substance

The application is based on these facts:

- ☒ See Affidavit of Kimberly Myhrer, continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Pursuant to Fed. R. Crim. P. 4.1, this warrant is presented: ☒ by reliable electronic means or: ☐ telephonically recorded.

Kimberly Myhrer, US Postal Inspector

Printed name and title

- ☐ The foregoing affidavit was sworn to before me and signed in my presence, or
☒ The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.

Date: 12/05/2019

Judge's signature

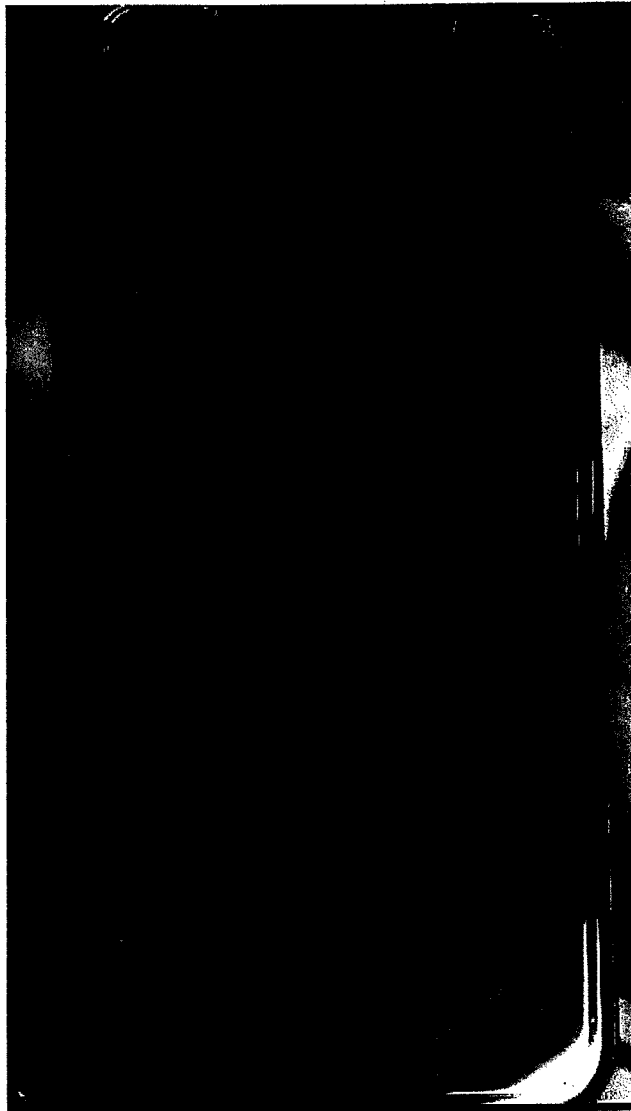
City and state: Tacoma, Washington

Theresa L. Fricke, United States Magistrate Judge

Printed name and title

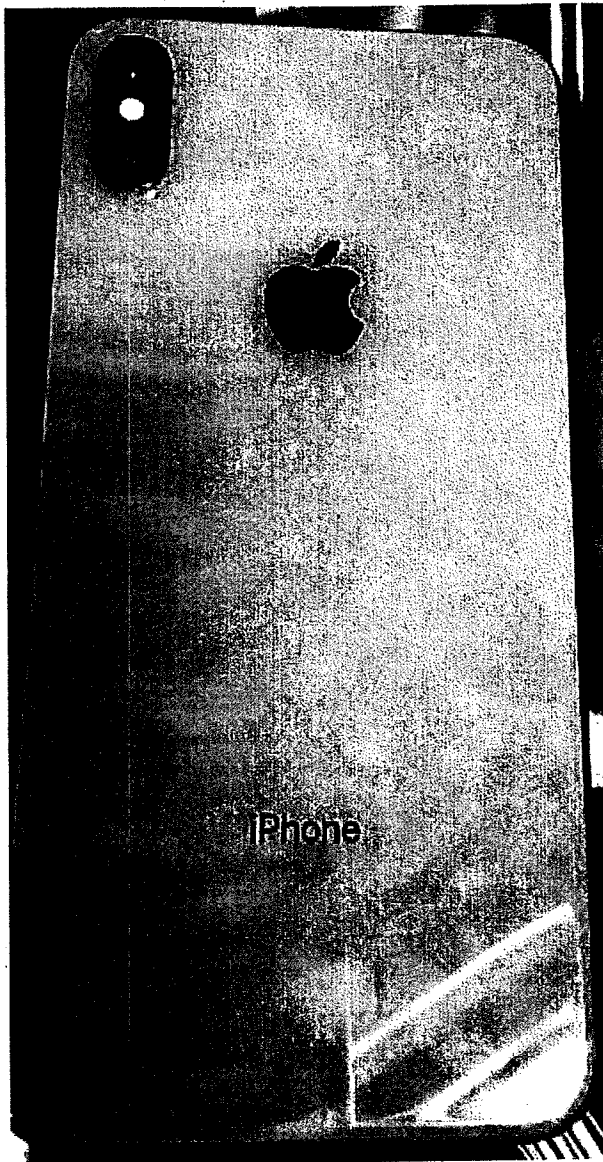
ATTACHMENT A
Phone to be Searched

SKYBERG's iPhone; black screen with screen protector and silver in color back
(hereinafter "SUBJECT PHONE");



ATTACHMENT B
ITEMS TO BE SEIZED

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ATTACHMENT B
ITEMS TO BE SEIZED

-2-

UNITED STATES ATTORNEY
700 STEWART STREET, SUITE
5220
SEATTLE, WASHINGTON 98101
(206) 553-7970

ATTACHMENT B
Items to be Seized

The following items that constitute evidence, instrumentalities, or fruits of violations of Title 21, United States Code, Section 841(a)(1), distribution of controlled substances:

1. Text Messages, SMS messages, emails, and other forms of communications about controlled substances and controlled substance analogues, including, but not limited to, synthetic cathinones, synthetic cannabinoids, cocaine, crack cocaine, heroin, hashish, marijuana, methamphetamine, MDMA, methadone, oxycodone, and Oxycotin;

2. Text Messages, SMS messages, emails, and other forms of communications about monetary instruments, including but not limited to, currency, money orders, bank checks, cryptocurrency, or gift cards;

3. Text Messages, SMS messages, emails, and other forms of communications about bank and financial account information including bank statements, deposit tickets, canceled checks, certificates of deposits, safe deposit box rental agreements and entrance logs, credit card statements and financial statements for domestic and foreign bank accounts, copies of money orders and cashier's checks, and records reflecting domestic and/or international wire transfers;

3. Text Messages, SMS messages, emails, and other forms of communications about controlled substance-related paraphernalia;

4. Text Messages, SMS messages, emails, and other forms of communications about documentary evidence, in whatever form, relating to the purchase, sale, and/or distribution of controlled substances;

5. Text Messages, SMS messages, emails, and other forms of communications about documents and other items tending to show the existence of other stored drugs, such as rental agreements, receipts, keys, notes, and maps specially concerning off-site storage rooms and /or lockers;

6. Text Messages, SMS messages, emails, and other forms of communications about notes, letters, and other items which communicate information identifying the sender and/or recipient of parcels or pertaining to the contents of the parcels;

1 7. Text Messages, SMS messages, emails, and other forms of communications
2 about any evidence of the use of the US Mails in the distribution of controlled substances
3 including receipts, money orders, shipping labels and packaging materials, and postal
money orders;

4 8. Address books, daily logs, daily telephone diaries, calendars, and appointment
5 books; and

6 9. The following items:

7 a. Assigned number and identifying telephone serial number (ESN,
8 MIN, IMSI, or IMEI);

9 b. Stored lists of recent received, sent, or missed calls;

10 c. Stored contact information;

11 d. Photographs related to the aforementioned crimes of investigations,
12 or photographs that may show the user of the phone and/or co-conspirators, including any
13 embedded GPS data associated with the photographs;

14 e. Stored text messages related to the aforementioned crime of
15 investigations, including Apple messages, Blackberry Messenger messages or other
16 similar messaging services or applications where the data is stored on the telephone;

17 f. Notes; draft, sent, and received emails related to the aforementioned
18 crimes of investigation;

19 g. Evidence of user attribution showing who used or owned the digital
20 device at the time of the things described in this warrant were created, edited, or delated,
21 such as logs, phonebooks, saved usernames and passwords, documents and browsing
history;

22 h. Records of Internal Protocol addresses used and records of Internet
23 activity, including firewall logs, caches, browsing history an cookies, "bookmarked" or
24 "favorite" web pages, search terms the user entered into any Internet search engine, and
records of user-typed web address.

25 As used above, the terms "records" and "information" include all of the foregoing
26 items of evidence in whatever form and by whatever means they may have been created
27 or stored, including any form of computer or electronic storage (such as flash memory or

28 ATTACHMENT B
ITEMS TO BE SEIZED

1 other media that can store data) and any photographic form, including emails,
2 photographs, text messages, information contained in applications or "apps," and
3 calendar entries.
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ATTACHMENT B
ITEMS TO BE SEIZED

-5-

UNITED STATES ATTORNEY
700 STEWART STREET, SUITE
5220
SEATTLE, WASHINGTON 98101
(206) 553-7970

BACKGROUND

2. Through my training and experience, I have become familiar with the methods employed by narcotics traffickers, in particular, methods involving smuggling, safeguarding and distributing narcotics, and collecting and laundering narcotics-related proceeds. These methods include the use of the mail system, public telephones, wireless communication technology, counter surveillance, elaborately planned smuggling schemes tied to legitimate businesses, false or fictitious identities, and the use of coded or vague communications in an attempt to avoid detection by law enforcement and to circumvent narcotics investigations.

PURPOSE OF AFFIDAVIT

a. SKYBERG's iPhone; black screen with screen protector and silver in color back (hereinafter "SUBJECT PHONE");

1 4. As set forth below, there is probable cause to believe that a search of the
2 SUBJECT PHONE will reveal evidence of violations of Title 21, United States Code,
3 Sections 841(a)(1)(distribution and possession with intent to distribute a controlled
4 substance).

5 5. The items to be seized are described in detail in Attachment B. These items
6 consist of evidence, fruits, and instrumentalities of violations of Title 21, United States
7 Code, Sections 841(a)(1) (distribution and possession with intent to distribute a
8 controlled substance).

9 6. The facts set forth in this Affidavit are based on my personal knowledge;
10 knowledge obtained from others during my participation in this investigation, including
11 other law enforcement officers; review of documents and records related to this
12 investigation; communications with others who have personal knowledge of the events
13 and circumstances described herein; and information gained through my training and
14 experience. Because this Affidavit is submitted for the limited purpose of establishing
15 probable cause in support of the application for a search warrant, it does not set forth
16 each and every fact that I or other have learned during the course of this investigation.

17 **BACKGROUND ON SYNTHETIC DRUGS AND CONTROLLED SUBSTANCE**

18 **ANALOGUES**

19 **A. Synthetic Cathinones**

20 7. Synthetic cathinones, often known as "bath salts," are human-made
21 stimulants chemically related to cathinone, a substance found in the khat plant. Khat is a
22 shrub grown in East Africa and southern Arabia, where some people chew its leaves for
23 their mild stimulant effects. Human-made versions of cathinone can be much stronger
24 than the natural product. Synthetic cathinones usually take the form of a white or brown
25 crystal-like powder. People typically swallow, snort, smoke, or inject synthetic
26 cathinones.

1 8. Synthetic cathinones have been reported to produce effects that include
2 paranoia, hallucinations, panic attacks, and excited delirium that causes extreme agitation
3 and violent behavior.

4 9. Synthetic cathinones can be addictive. Animal studies show that rats will
5 compulsively self-administer synthetic cathinones. Human users have reported that the
6 drugs trigger intense, uncontrollable urges to use them again. Taking synthetic cathinones
7 can cause strong withdrawal symptoms that include depression, anxiety, tremors,
8 sleeping problems, and paranoia.

9 10. Synthetic cathinones are typically sold in small plastic or foil packages,
10 sometimes with a label stating "not for human consumption," in an attempt to circumvent
11 the Federal Analogue Act, which forbids selling drugs that are substantially similar to
12 drugs already scheduled for human use. While most commonly referred to as or labeled
13 "bath salts," synthetic cathinones can also be referred to as and labeled "plant food,"
14 "jewelry cleaner," "insect repellent," and other similar such names. Drug traffickers
15 market synthetic cathinones under various exotic brand names such as "Bliss," "Cloud
16 Nine," "Lunar Wave," "Vanilla Sky," and "White Lightning."

17 11. There are different types of synthetic cathinone with varying chemical
18 compositions. One such type of synthetic cathinone is alpha-Pyrrolidinopentiophenone,
19 also known as alpha-PVP. Alpha-PVP is chemically similar to other synthetic cathinones
20 and takes the form of a white or pink, foul-smelling crystal that can be eaten, snorted,
21 injected, or vaporized in an e-cigarette or similar device. Vaporizing, which sends the
22 drug very quickly into the bloodstream, may make it particularly easy to overdose. Like
23 other drugs of this type, alpha-PVP can cause excited delirium that involves hyper-
24 stimulation, paranoia, and hallucinations that can lead to violent aggression and self-
25 injury. The drug has been linked to deaths by suicide as well as a heart attack. It can also
26 dangerously raise body temperature and lead to kidney damage or kidney failure.

27 12. In March 2014, the Drug Enforcement Administration (DEA) issued an
28 order temporarily placing alpha-PVP into Schedule I. *See* 79 FR 12938, Mar. 7, 2014. In

1 March 2016, DEA issued an order extending the temporary placement of alpha-PVP in
 2 Schedule I. *See* 81 FR 11429, Mar. 4, 2016. In March 2017, DEA issued a final rule
 3 placing alpha-PVP into Schedule I. *See* 82 FR 12171, Mar. 1, 2017.

4 **C. Controlled Substance Analogues**

5 13. A controlled substance analogue is a “designer drug” that resembles a
 6 controlled substance in molecular structure and actual (or purported) physiological effect.
 7 In response to a growing problem of individuals, especially chemists, creating or
 8 designing substances acted on the body like controlled substances but were not yet listed
 9 on controlled substances schedules, Congress passed the Controlled Substance Analogue
 10 Enforcement Act of 1986.

11 14. 21 U.S.C. § 813(a) states that “[a] controlled substance analogue shall, to
 12 the extent intended for human consumption, be treated, for the purposes of any Federal
 13 law as a controlled substance in Schedule I [of the Controlled Substances Act].”

14 15. Pursuant to 21 U.S.C. § 802(32)(A), if a substance meets the following
 15 criteria, it constitutes a controlled substance analogue subject to control as if it was a
 16 scheduled controlled substance:

17 a) The substance has a chemical structure which is substantially similar
 18 to the chemical structure of a controlled substance in schedule I or II; and

19 b) Either:

20 i) The substance has a stimulant, depressant, or hallucinogenic
 21 effect on the central nervous system that is substantially similar to or greater than the
 22 stimulant, depressant, or hallucinogenic effect on the central nervous system of a
 23 controlled substance in schedule I or II; or

24 ii) A person represents or intends the substance to have a
 25 stimulant, depressant, or hallucinogenic effect on the central nervous system that is
 26 substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect
 27 on the central nervous system of a controlled substance in schedule I or II; and

28 c) The substance is intended for human consumption.

STATEMENT OF PROBABLE CAUSE

A. Initial Seizure of SKYBERG's Parcels in Chehalis, WA in January 2014

16. On January 15, 2014, Postal Inspector Bryce Dahlin received 15 Priority Mail parcels from the Chehalis Post Office in Chehalis, WA, as potentially suspicious. All 15 parcels listed the sender as "Harley Skyberg, 658 Lafayette, Chehalis, WA 98532." On January 23, 2014, Inspector Dahlin received consent from the intended recipient for one of the 15 parcels to open the parcel. The parcel had a Collect on Delivery (COD) label¹ with serial number M464377167. Inside the parcel were four individually wrapped containers containing brown and white powdery substances. The substances were labeled "No Bull Bath Salt," "Thundercats Party Powder," and "Mr. Nice Guy Powder Bath Salt." In addition, there was a clear baggie containing a white powder labeled "Skull Candy."

17. The USPIS obtained a federal search warrant to open the remaining fourteen parcels. Inside the parcels were containers and packages containing similar powdery substances with labels such as "Eight Ballz," "George Dubya," and "High Octane." Some of the seized substances were sent to the USPIS Forensic Laboratory Services in Dulles, VA for analysis. The resulting lab report indicated that the seized substances contained, among other things, alpha-PVP, methylone, and/or ethylone. According to DEA, methylone and ethylone are both types of synthetic cathinone.

B. Three SKYBERG Parcels Seized in Chehalis, WA in April 2016

18. On April 1, 2016, the Chehalis Post Office forwarded a Priority Express Mail parcel addressed to "Khaleesi Jhonson, 500 Gilman Blvd, Issaquah, WA 98027" to the USPIS as potentially suspicious. The parcel listed the sender as "Harley Skyberg, PO Box 1163, Chehalis, WA 98532" and had a COD label requesting a payment of \$175.36.

¹ With COD, a mailer sends an item to a recipient who pays for the item and its postage when the item is delivered. In SKYBERG's case, I have learned that customers typically submit postal money orders to claim their parcels containing the controlled substance and/or controlled substance analogue they have ordered from www.wickedherbals.guru, as further described below. The post office who received the money order then sends it to SKYBERG via the US mail.

1 In addition, the parcel had a mailing label with a date of March 23, 2016. The delivery
2 confirmation number associated with the parcel was M477069103.

3 19. Postal Inspector France Bega, who received the parcel from the Chehalis
4 Post Office, researched "Harley Skyberg" on USPS databases and found that similar
5 parcels sent by him in 2014 contained controlled substances.

6 20. On April 5, 2016, Inspector Bega contacted the Chehalis Post Office to
7 request any information that the post office had in its records regarding SKYBERG. The
8 post office found an "Application for Post Office Box" submitted by SKYBERG for PO
9 Box 1163. The post office also informed Inspector Bega that SKYBERG had just
10 dropped off 31 Priority Mail parcels to be mailed. All 31 parcels had COD labels, which,
11 in total, requested approximately \$6,400 in payment from the recipients upon receipt of
12 the parcels. Inspector Bega asked the Chehalis Post Office to forward three of the 31
13 parcels to him and process the remaining parcels according to their respective mailing
14 labels.

15 21. On April 8, 2016, Inspector Bega received the three Priority Mail parcels
16 that he had requested. One of the three parcels was addressed to "Beau Schmidt, 6095
17 Lake Street, Indian River, MI 49749." The parcel listed the sender as "Harley Skyberg,
18 PO Box 1163, Chehalis, WA 98532" and had a COD label requesting a payment of
19 \$165.15. In addition, the parcel had a mailing label with a date of April 5, 2016. The
20 delivery confirmation number associated with the parcel was M477071332.

21 22. Another one of the three parcels was addressed to "Donald Miller, 362
22 North Street, Standish, MI 48658." The parcel listed the sender as "Harley Skyberg, PO
23 Box 1163, Chehalis, WA 98532" and had a COD label requesting a payment of \$204.65.
24 In addition, the parcel had a mailing label with a date of April 5, 2016. The delivery
25 confirmation number associated with the parcel was M477071364.

26 23. On April 18, 2016, I obtained a federal search warrant from United States
27 Magistrate Judge Brian A. Tsuchida for the three parcels described above—the parcels
28

1 addressed to "Khaleesi Jhonson," "Beau Schmidt," and "Donald Miller"—and opened
2 them.

3 24. The parcel addressed to "Khaleesi Jhonson" contained five round vials
4 labeled "Snowman" containing white powdery substances. It also contained an invoice
5 for five "SNOWMAN 2 ULTRA STRONG RESEARCH CHEMICAL POWDER .5G."
6 The invoice date was March 22, 2016. The substances were sent to the USPIS Forensic
7 Laboratory Services in Dulles, VA for analysis. The lab report indicated that the
8 substances contained alpha-PVP.

9 25. The parcel addressed to "Beau Schmidt" contained four small packages
10 with a Superman logo and labeled "Multi-purpose solution," one small package labeled
11 "AMPED" with a description that said "Ladybug Attractant," and one small package
12 labeled "White Water Rapid" with a description that said "Exuberance Powder; Ladybug
13 Attractant." It also contained a similar invoice dated April 5, 2016. In addition, the parcel
14 contained two black business cards advertising, among other things, "Research
15 Chemicals" and "Party Pills" and website "www.wickedherbals.guru." All seized
16 substances were sent to the USPIS Forensic Laboratory Services in Dulles, VA for
17 analysis. The lab report indicated that they all contained alpha-PVP.

18 26. The parcel addressed to "Donald Miller" contained one small package with
19 a Superman logo and labeled "Multi-purpose solution," one small package with a
20 description that said "Capet Stain Remover," one small package labeled "Zombie Eat
21 Flesh," one vial labeled "Wicked Yeti," one vial labeled "High Octane," and one vial
22 labeled "Drone." It also contained a similar invoice dated April 4, 2016. In addition, it
23 contained two pink business cards advertising "www.wickedherbals.guru" and listing
24 "Guru Harley" as the "Owner/Operator" of the website. All seized substances, except for
25 "Zombie Eat Flesh," were sent to the USPIS Forensic Laboratory Services in Dulles, VA
26 for analysis. The lab report indicated that all the substances contained alpha-PVP.

27 **E. Two SKYBERG Parcels Seized in Pennsylvania in November and December**
28 **2016 and the Identification of SKYBERG's Email Address**

27. On November 7, 2016, Postal Inspector Staci Johnson in the USPIS Pittsburgh Division received a tip from a confidential informant that "bath salts" were being shipped into the East Freedom, PA area via USPS COD services. Inspector Johnson intercepted Priority Mail COD parcel 9403311699000658732521 from the East Freedom Post Office based on the tip. The parcel listed the sender as "Harley Skyberg, P.O. Box 919, Chehalis, WA 98532" and was addressed to "Tammy Ritchey, 209 Back Street, East Freedom, PA 16637." Inspector Johnson's research showed that "209 Back Street, East Freedom, PA 16637" was a true and deliverable address, but that "Tammy Ritchey" was not currently associated with the address. The parcel also had a COD label requesting a payment of \$401.46 upon receipt.

28. Inspector Johnson was also informed by the East Freedom Post Office that two individuals, a male and a female, had come to the post office to claim the parcel and been turned away because they were trying to pay the COD with "starter checks," which was against USPS policy.

29. On November 14, 2016, the USPIS obtained a federal search warrant for the parcel. Inside the parcel was a small package labeled "Eight Ballz." Further inside the pouch was a vial containing a sticky brown substance. The substance was field-tested positive for a synthetic narcotic.²

30. On December 1, 2016, Inspector Johnson was notified by the East Freedom Post Office that another suspicious COD parcel from "Harley Skyberg, PO BOX 919, Chehalis, WA 98532," addressed to the same recipient, arrived. This parcel, identified as Priority Mail parcel 9405511699000491363038, was also seized and searched pursuant to a federal search warrant subsequently obtained by the USPIS. Inside the parcel were three plastic discs, each containing an off-white rock-like substance. The field test revealed that the rock-like substance was alpha-PVP.

² This particular field test kit utilized by the investigators lacked ability to tell what kind of synthetic narcotic was the substance that was being tested—it could only tell *whether* something was a synthetic drug or not.

31. After the search, Inspector Johnson conducted a controlled delivery of the parcel to the listed recipient's residence and interviewed the residents. After *Miranda*, one of the residents, Joseph Rininger, admitted that he had ordered "bath salts" from "wickedherbal.com" and used his girlfriend's name to receive the parcel. Rininger then showed Inspector Johnson an email invoice he had received from the website following his purchase. This system-generated invoice was originally sent to theharleyskyberg@gmail.com and informed theharleyskyberg@gmail.com that "wickedherbals.guru" had received a new order from tammyritchey1@gmail.com. The invoice was subsequently forwarded to harley1skyberg@gmail.com and then to an email account under Rininger's control.

32. On December 12, 2016, I conducted a Google search for the website "Wickedherbal.com." Google returned a similar website "www.wickedherbals.guru". The website had multiple products listed for sale. A Google search of "where to buy legal bath salts online" returned "www.wickcedherbals.guru" twice as the search results on the first page. I reviewed the products for sale on "www.wickedherbals.guru" and found numerous products advertised as "legal bath salt."

L. Search of harley1skyberg@gmail.com and theharleyskyberg@gmail.com

33. In June 2018, I obtained a search warrant authorizing the search of harley1skyberg@gmail.com. In July 2018, I received a return from Google and reviewed the emails sent and received by harley1skyberg@gmail.com. Google identified "Harley Skyberg" as the account holder of harley1skyberg@gmail.com. Included in the return were approximately 2,000 emails received between November 2016 and October 2017 and titled "New Order Notice," which contained details about orders received by SKYBERG via www.wickedherbals.guru, such as invoice number, payments due, order date, and customer contact information. The total amount of payments due to SKYBERG according to these invoices exceeded \$600,000.

34. Also included in the return were SKYBERG's email communications with office@dharmachem.org during 2017. A Google search revealed that dharmachem.org

1 was frequently mentioned as a supplier of "research chemicals" by internet users on a
 2 website such as Reddit. A similarly-named, China-based company "dharmachems.com"
 3 was also identified as a supplier of acetyl fentanyl, an analog of fentanyl, by the World
 4 Health Organization (WHO) in 2015.³ Harley1skyberg@gmail.com exchanged multiple
 5 emails with office@dharmachem.org in which they discussed the ordering and shipping
 6 of and paying for various synthetic cathinones.

7 35. I obtained a federal search warrant for theharleyskyberg@gmail.com on
 8 September 10, 2019. I subsequently received a return from Google. Google records
 9 confirmed that the account holder of theharleyskyberg@gmail.com was "Harley
 10 Skyberg." I again found multiple emails exchanged between
 11 theharleyskyberg@gmail.com and various Chinese suppliers in which they discussed the
 12 ordering and shipping of and paying for various synthetic cathinones.

13 **P. Undercover Buys**

14 36. On October 16, 2019, I conducted an undercover buy from
 15 wickedherbals.guru. I ordered "4F-PVPP" and "Beak UK Premium Research Chemical
 16 Snuff." On the same day, I received an email order confirmation from "Harley Skyberg"
 17 at harleyskyberg87@gmail.com. On October 18, 2019, I received an email from
 18 stamps.com, "at the request of Harley Skyberg," with tracking number 9403 3118 9922
 19 3580 2270 59. On October 21, 2019, I received an email from USPS stating the parcel
 20 had arrived at the undercover address. On October 23, 2019, Postal Inspector Harrold
 21 picked up the parcel and opened it. Inside the parcel were the items ordered, consistent in
 22 their visual with previously-seized items from SKYBERG.

23 37. On October 28, 2019, Postal Inspector Michael Fischlin conducted another
 24 undercover buy from wickedherbals.guru. Inspector Fischlin ordered "3C-MMC ULTRA
 25 RARE RESEARCH CHEMICAL .5G" and "4F-FLORPHENIDATE ULTRA RARE
 26 RESEARCH CHEMICAL .5G." Once the order was completed invoice number
 27 _____
 28 _____

³ Expert Committee on Drug Dependence, World Health Organization, Acetylfentanyl Critical Review Report (Nov. 2015), http://www.who.int/medicines/access/controlled-substances/5.2_Acetylfentanyl_CRev.pdf.

1 0000023091 was received. On the same day, I received an email order confirmation from
2 "Harley Skyberg" at harleyskyberg87@gmail.com. I replied to the email and said I would
3 like to pay with bitcoin. Later the same day, "Harley Skyberg" at
4 harleyskyberg87@gmail.com responded with a screenshot of a bitcoin wallet address. I
5 arranged the bitcoin payment to be made to the wallet address provided by SKYBERG.

6 38. On October 30, 2019, I received an email from stamps.com, "at the request
7 of Harley Skyberg," with tracking number 9405 5118 9922 3549 7294 11. On November
8 4, 2019, USPS tracking records indicated that the parcel had been accepted in Vancouver,
9 WA and would be delivered to the undercover address by Wednesday, November 6,
10 2019.

11 39. On November 12, 2019, Postal Inspector Harrold picked up the parcel 9405
12 5118 9922 3549 7294 11. On November 15, 2019, I opened up the parcel. Inside the
13 parcel was one envelope containing two individually sealed round jars with powdery
14 substances in them, consistent in their visual with previously-seized controlled substances
15 and controlled substance analogues from SKYBERG.

16 **Q. Arrest of SKYBERG and Seizure of the Target Cellphone**

17 40. On November 6, 2019, I obtained a federal arrest warrant for SKYBERG
18 and a federal search arrest warrant for SKYBERG' residence, storage units, and vehicles.

19 41. On November 7, 2019, I executed the aforementioned warrants. SKYBERG
20 was arrested at his residence, located at 7603 NE 13th Avenue, Lot 120, in Vancouver,
21 Washington. During the search incident to arrest, inspectors located the SUBJECT
22 PHONE in SKBYERG's left pants pocket.

23 42. From SKYBERG's residence and storage units, inspectors also seized
24 hundreds of pre-packaged substances with labels and brand names consistent with the
25 previously seized controlled substances and/or controlled substance analogues, drug
26 packaging supplies and equipment, drug ledgers, international shipping labels from
27 China, and numerous invoices for wickedberbals.guru orders.
28

1
2 **TACTICS USED BY TRAFFICKERS OF CONTROLLED SUBSTANCES**

3 43. Drug traffickers often document aspects of their criminal conduct through
4 photographs or videos of themselves, their associates, their property, and their products,
5 including drugs and drug proceeds. Drug traffickers usually maintain these photographs
6 or videos in their possession.

7 44. Drug traffickers use mobile electronic devices including cellular telephones
8 and other wireless communication devices to conduct their illegal activities. For example,
9 traffickers of controlled substances commonly maintain records of addresses, vehicles, or
10 telephone numbers that reflect names, addresses, vehicles, and/or telephone numbers of
11 their suppliers, customers and associates in the trafficking organization. It is common to
12 find drug traffickers keeping such records of said associates in cellular telephones and
13 other electronic devices. Drug traffickers frequently change their cellular telephone
14 numbers to avoid detection by law enforcement, and it is common for drug traffickers to
15 use more than one cellular telephone at any one time.

16 45. Drug traffickers use cellular telephones to maintain contact with their
17 suppliers, distributors, and customers. They prefer cellular telephones because, first, they
18 can be purchased without the location and personal information that landlines require.
19 Second, they can be easily carried to permit the user maximum flexibility in meeting
20 associates, avoiding police surveillance, and traveling to obtain or distribute drugs.
21 Third, they can be passed between members of a drug conspiracy to allow substitution
22 when one member leaves the area temporarily. Since the use of cellular telephones
23 became widespread, every drug trafficker with which I have interacted has used one or
24 more cellular telephones for his or her drug business. I also know that it is common for
25 drug traffickers to retain in their possession cellular phones that they previously used, but
26 have deactivated or discontinued using. Based on my training and experience, the data
27 maintained in a cellular telephone used by a drug trafficker is often evidence of a crime
28 or crimes. This includes the following:

1 a. The assigned number to the cellular telephone (known as the mobile
2 directory number or MDN), and the identifying telephone serial number (Electronic
3 Serial Number, or ESN), (Mobile Identification Number, or MIN), (International Mobile
4 Subscriber Identity, or IMSI), or (International Mobile Equipment Identity, or IMEI) are
5 important evidence because they reveal the service provider, allow us to obtain subscriber
6 information, and uniquely identify the telephone. This information can be used to obtain
7 toll records, to identify contacts by this telephone with other cellular telephones used by
8 co-conspirators, to identify other telephones used by the same subscriber or purchased as
9 part of a package, and to confirm if the telephone was contacted by a cooperating source.

10 b. The stored list of recent received calls and sent calls is important evidence.
11 It identifies telephones recently in contact with the telephone user. This is valuable
12 information in a drug investigation because it will identify telephones used by other
13 members of the organization, such as suppliers, distributors and customers, and it
14 confirms the date and time of contacts. If the user is under surveillance, it identifies what
15 number he called during or around the time of a drug transaction or surveilled meeting.
16 Even if a contact involves a telephone user not part of the conspiracy, the information is
17 helpful (and thus is evidence) because it leads to friends and associates of the user who
18 can identify the user, help locate the user, and provide information about the user.
19 Identifying a defendant's law-abiding friends is often just as useful as identifying his
20 drug-trafficking associates.

21 c. Stored text messages are important evidence, similar to stored numbers.
22 Agents can identify both drug associates, and friends of the user who likely have helpful
23 information about the user, his location, and his activities.

24 d. Photographs on a cellular telephone are evidence because they help identify
25 the user, either through his or her own picture, or through pictures of friends, family, and
26 associates that can identify the user. Pictures also identify associates likely to be members
27 of the drug trafficking organization. Some drug traffickers photograph groups of
28 associates, sometimes posing with weapons and showing identifiable gang signs. Also,

1 digital photos often have embedded "geocode" information within them. Geocode
 2 information is typically the longitude and latitude where the photo was taken. Showing
 3 where the photo was taken can have evidentiary value. This location information is
 4 helpful because, for example, it can show where coconspirators meet, where they travel,
 5 and where assets might be located

6 e. Stored address records are important evidence because they show the user's
 7 close associates and family members, and they contain names and nicknames connected
 8 to phone numbers that can be used to identify suspects.

9 CONCLUSION

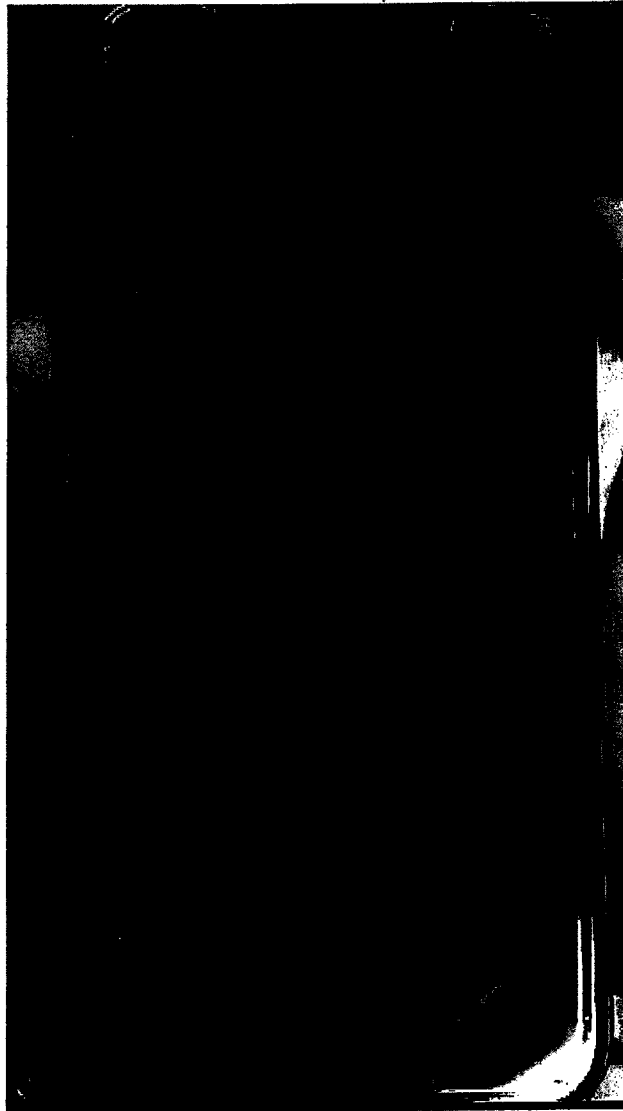
10 46. Based on the foregoing, I believe there is probable cause that evidence,
 11 fruits, and instrumentalities of possession with intent to distribute controlled substances,
 12 in violation of Title 21, United States Code, Section 841(a)(1) are located on the
 13 SUBJECT PHONE as more fully described in Attachment A to this Affidavit. I therefore
 14 request that the Court issue a warrant authorizing a search of the SUBJECT PHONE for
 15 the items more fully described in Attachment B, incorporated herein by reference, and the
 16 seizure of any such items found therein.

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 21 KIMBERLY MYHRER
 22 U.S. Postal Inspector, USPIS

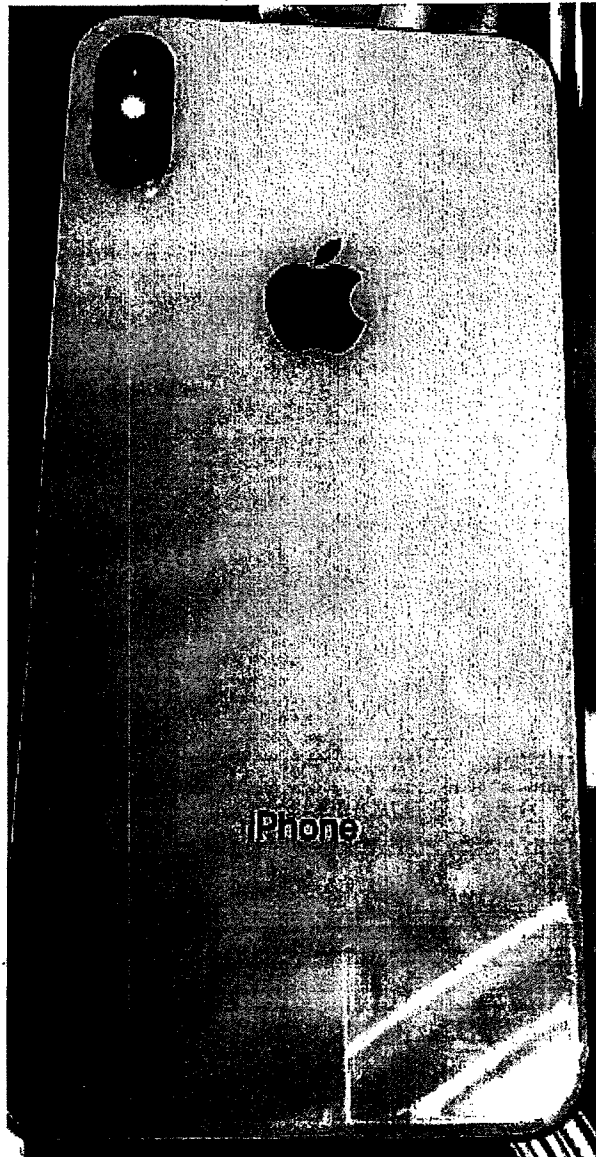
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ATTACHMENT A
Phone to be Searched

SKYBERG's iPhone; black screen with screen protector and silver in color back
(hereinafter "SUBJECT PHONE");



ATTACHMENT B
ITEMS TO BE SEIZED



ATTACHMENT B
ITEMS TO BE SEIZED

ATTACHMENT B
Items to be Seized

The following items that constitute evidence, instrumentalities, or fruits of violations of Title 21, United States Code, Section 841(a)(1), distribution of controlled substances:

1. Text Messages, SMS messages, emails, and other forms of communications about controlled substances and controlled substance analogues, including, but not limited to, synthetic cathinones, synthetic cannabinoids, cocaine, crack cocaine, heroin, hashish, marijuana, methamphetamine, MDMA, methadone, oxycodone, and Oxycotin;

2. Text Messages, SMS messages, emails, and other forms of communications about monetary instruments, including but not limited to, currency, money orders, bank checks, cryptocurrency, or gift cards;

3. Text Messages, SMS messages, emails, and other forms of communications about bank and financial account information including bank statements, deposit tickets, canceled checks, certificates of deposits, safe deposit box rental agreements and entrance logs, credit card statements and financial statements for domestic and foreign bank accounts, copies of money orders and cashier's checks, and records reflecting domestic and/or international wire transfers;

3. Text Messages, SMS messages, emails, and other forms of communications about controlled substance-related paraphernalia;

4. Text Messages, SMS messages, emails, and other forms of communications about documentary evidence, in whatever form, relating to the purchase, sale, and/or distribution of controlled substances;

5. Text Messages, SMS messages, emails, and other forms of communications about documents and other items tending to show the existence of other stored drugs, such as rental agreements, receipts, keys, notes, and maps specially concerning off-site storage rooms and /or lockers;

6. Text Messages, SMS messages, emails, and other forms of communications about notes, letters, and other items which communicate information identifying the sender and/or recipient of parcels or pertaining to the contents of the parcels;

ATTACHMENT B
ITEMS TO BE SEIZED

1 7. Text Messages, SMS messages, emails, and other forms of communications
2 about any evidence of the use of the US Mails in the distribution of controlled substances
3 including receipts, money orders, shipping labels and packaging materials, and postal
4 money orders;

5 8. Address books, daily logs, daily telephone diaries, calendars, and appointment
6 books; and

7 9. The following items:

8 a. Assigned number and identifying telephone serial number (ESN,
9 MIN, IMSI, or IMEI);

10 b. Stored lists of recent received, sent, or missed calls;

11 c. Stored contact information;

12 d. Photographs related to the aforementioned crimes of investigations,
13 or photographs that may show the user of the phone and/or co-conspirators, including any
14 embedded GPS data associated with the photographs;

15 e. Stored text messages related to the aforementioned crime of
16 investigations, including Apple messages, Blackberry Messenger messages or other
17 similar messaging services or applications where the data is stored on the telephone;

18 f. Notes; draft, sent, and received emails related to the aforementioned
19 crimes of investigation;

20 g. Evidence of user attribution showing who used or owned the digital
21 device at the time of the things described in this warrant were created, edited, or deleted,
22 such as logs, phonebooks, saved usernames and passwords, documents and browsing
23 history;

24 h. Records of Internal Protocol addresses used and records of Internet
25 activity, including firewall logs, caches, browsing history and cookies, "bookmarked" or
26 "favorite" web pages, search terms the user entered into any Internet search engine, and
27 records of user-typed web address.

28 As used above, the terms "records" and "information" include all of the foregoing
items of evidence in whatever form and by whatever means they may have been created
or stored, including any form of computer or electronic storage (such as flash memory or

ATTACHMENT B
ITEMS TO BE SEIZED

1 other media that can store data) and any photographic form, including emails,
2 photographs, text messages, information contained in applications or "apps," and
3 calendar entries.
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ATTACHMENT B
ITEMS TO BE SEIZED